

1 firms. Since that period of time, first one being
2 Mukai and -- Mukai and Wirtz, I believe. Second being
3 Mukai -- which was a successor, Mukai, Ichiki and
4 Whitfield. Successor to that Mukai, Ichiki, Raffetto &
5 McMillan, and then with the law firm Carlsmith,
6 Wichman, Case, and presently with McCorriston, Miller,
7 Mukai and MacKinnon.

8 Q. How long have you been with McCorriston,
9 Miller, Mukai, MacKinnon?

10 A. About seven -- eight years now.

11 Q. I take it you are a partner in the firm?

12 A. Correct.

13 Q. When did you first start representing the
14 Sports Shinko Companies?

15 A. Estimate, probably in 1984. That's a guess.

16 Q. Which Sports Shinko Companies did you start
17 representing in 1984?

18 A. I'm not sure specifically what the date is,
19 a Hawaii corporation.

20 Q. So Sports Shinko Hawaii Company, Limited; is
21 that the name?

22 A. First one that was formed.

23 Q. And who was your contact at the company at
24 that time?

25 A. Mr. Toshio Kinoshita.

EXHIBIT 1

1 Q. Are you still a member of the board of
2 directors of Sports Shinko Hawaii?

3 A. No.

4 Q. When did you stop being a member of the
5 board of directors of Sports Shinko Hawaii?

6 A. First of the year.

7 Q. That's 2002?

8 A. That's correct.

9 Q. So in January of 2002, you stopped being a
10 member of the board of directors of Sports Shinko
11 Hawaii; is that correct?

12 A. Correct.

13 Q. Why did you stop being a member of the board
14 of directors of Sports Shinko Hawaii in January of
15 2002?

16 A. Well, actually all during this time the
17 reason I was an initial director was accommodation to
18 the company. There is a requirement that you needed a
19 resident director. The law changed, and I was removing
20 myself as directors of all companies that I was serving
21 as sort of an accommodation resident director.

22 Q. When did the law change?

23 A. In 2000, I think.

24 Q. Any reason you waited two years to remove
25 yourself as a director of companies you were

1 accommodation director?

2 A. I had spoken to them about that before.
3 They had a resident director here -- they had resident
4 directors here. So there was no real need, but it was
5 just a matter of time.

6 Q. When you say a "matter of time," what do you
7 mean?

8 A. Just getting around to it.

9 Q. Did your resigning as a director of anything
10 to do with the pending sales of the Sports Shinko
11 properties in Hawaii in January of 2002?

12 A. No.

13 Q. Did your resigning as a director in January
14 of 2002 of Sports Shinko Hawaii have anything to do
15 with financial problems of the Japanese parent that
16 owned the company?

17 A. No.

18 Q. Did your resigning as a director in January
19 of 2002 have anything to do with the Sports Shinko
20 Companies owing bills to McCorriston firm?

21 A. No.

22 Q. When you resigned as a director, did you
23 tell anybody at Sports Shinko your reasons for
24 resigning?

25 MR. BENNETT: I'm going to object. To the

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

DAVID RESNICK dba KAUAI
INVESTMENT PARTNERS,

Plaintiff,

vs.

SPORTS SHINKO (KAUAI) CO.,
LTD, dba SPORTS SHINKO KAUAI
DEVELOPMENT; DR. SATOSHI
KINOSHITA,

Defendant.

COPY

CIVIL NO.
02-00062 SPK-BMK

DEPOSITION OF FRANKLIN KENJI MUKAI

Taken on behalf of the Plaintiff, pursuant to notice,
on Thursday, August 15, 2002, commencing at 10:05 a.m.,
at the office of Kuniyuki & Chang, Pioneer Plaza, 900
Fort Street Mall, Suite 310, Honolulu, Hawaii 96813.

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24 REPORTED BY:

25 Marjann Shawler, RPR, CSR 182
Notary Public, State of Hawaii

STATE OF HAWAII

)
) ss
)

I, MARJANN SHAWLER, a Notary Public in and for the State of Hawaii, do hereby certify:

That prior to being examined, the witness herein, Franklin Mukai, was sworn by me to testify to the truth, the whole truth and nothing but the truth;

That the foregoing deposition was taken down by me in machine shorthand at the time and place herein stated, and was thereafter reduced to typewriting under my supervisions;

That the foregoing is a full, true and correct transcript, of said deposition;

That after said deposition was reduced to typewriting, the witness, in accordance with Rule 30(e) of the Hawaii Rules of Civil Procedure, was duly informed of the right to make such corrections as might be necessary to render the same true and correct.

I further certify that I am not of counsel or attorney for any of the parties to this case, nor in any way interested in the out come hereof, and that I am not related to any of the parties hereto.

Witness my hand and seal this 15th day of August, 2002.

Maryann Shawler

Notary Public, State of Hawaii

My Commission Expires: November 23, 2008